REMARKS

Claims 26 and 30 are cancelled without prejudice. Claims 1, 3-6, 8-20, 22, and 25 remain, with no claim previously allowed.

Interview With Examiner

Examiner Vo is thanked for the telephone interview conducted on June 5, 2007 with the undersigned. Two issues were discussed during that interview: (1) the rejection of Claims 22 and 25 under 35 USC 101; and (2) the rejection of Claims 1 et al as anticipated by *Zellner* (6,539,384).

Concerning the first issue, the rejection under 35 USC 101 asserts that Claims 22 and 25 are drawn to a computer program per se. The rejection also notes that a computer program embodied in a computer readable medium or other structure would be within a statutory category of invention, under certain circumstances. However, Claim 22 *currently* recites a "computer-readable medium having stored thereon a set of instructions...". Those instructions, when executed by a processor, cause the processor to perform certain activities as embodied in that claim. The undersigned, accordingly, submits that Claim 22 and dependent Claim 25 currently comply with 35 USC 101 in part, because they refer to computer-readable media.

Turning to the second issue discussed during the interview, the undersigned pointed out that *Zellner* fails to anticipate certain elements of the claims rejected as anticipated by that reference.

The Examiner requested the undersigned to set forth those arguments in a formal response, and the undersigned does so hereinbelow. No agreement was reached during the telephone interview regarding those issues.

Discussion of Rejections

Claims 22, 25-26, and 30 were rejected under 35 USC 101 as allegedly directed to non-statutory subject matter. Regarding Claims 26 and 30, that rejection is now moot as the applicant has cancelled those claims without prejudice.

As to Claims 22 and 25, those claims currently recite a computer-readable medium having instructions stored thereon which, when executed by a processor, cause the processor to perform certain functions described in those claims. The applicant respectfully submits that Claims 22 and 25 comply with the requirements of MPEP 2106.01 regarding statutory subject matter under 35 USC 101, and requests that the rejection of those claims as non-statutory be withdrawn.

Turning to the rejection of Claims 1 et al as anticipated by *Zellner*, the rejection asserts that *Zellner* discloses a diagnostic device for troubleshooting a WAP network. Specifically, the rejection states that *Zellner* (Fig 3, item 28) discloses a module configured for communicating with an external source of information "including a WAP network undergoing troubleshooting" and a diagnostic module "configured for analyzing information associated with elements of the WAP network...configured to emulate a sequence of ...signals through the elements of the WAP network undergoing diagnosis...". Those elements attributed to *Zellner* are elements of the applicant's diagnostic device embodied in Claim 1. However, those elements are not found in *Zellner*.

Zellner discloses a portable test set for troubleshooting a telephone line. That test set includes a browser so that a technician can access the Internet to retrieve data and other technical information. *Zellner* discloses that this test set may incorporate an HTML or a WAP browser for accessing the Internet over a telephone line (Column 4, lines 42-45 and 59-62; Column 8, lines 24-27; Column 11, lines 57-61; Column 12, lines 5-12 and 23-28; and Column 14, lines 20-23 and 45-50). Those passages show that *Zellner*

discloses a WAP browser only as a device (alternative to an HTML browser) for communicating between the test set and the Internet.

The portions of *Zellner* cited in the rejection do not support a conclusion that *Zellner* discloses anything for troubleshooting a WAP network. Item 28, shown in Fig. 3, is merely a web browser module which, as previously mentioned, may include an HTML browser or a WAP browser (Column 5, lines 38-45). Although that browser may indeed communicate with a WAP network, *Zellner* does not disclose communicating with a WAP network undergoing troubleshooting. Furthermore, *Zellner* does not disclose a diagnostic module "configured for analyzing information associated with elements of the WAP network...to emulate a sequence of a process flow of signals through the...WAP network undergoing diagnosis by the portable diagnostic device", contrary to the rejection. Further yet, the LCD display mentioned at Column 5, lines 5-14 of *Zellner* is silent about displaying information pertaining to operating parameters of the WAP network undergoing diagnosis, as the rejection alleges.

Given the foregoing omissions in the disclosure of *Zellner* vs. the combination embodied by Claim 1, the applicant respectively submits that the combination of Claim 1 is novel over *Zellner*. Likewise, claims depending from Claim 1 are novel over that reference. Independent Claim 22 and dependent Claim 25 are likewise rejected as anticipated by *Zellner*. Claim 22 recites a computer-readable medium having certain stored instructions. Those instructions, when executed by a processor, produce certain functions including "[analyzing] the received information [from an external source element of a WAP network] in a predetermined sequence to emulate the process flow of signals through elements of the WAP network for diagnosis of the WAP network." *Zellner*, however, is not concerned with diagnosing a WAP network, and that reference does not analyze received information in a predetermined sequence to emulate a process flow of signals through elements of the WAP network being diagnosed. For these reasons, *Zellner* fails to anticipate Claim 22 as well as dependent Claim 25.

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The foregoing is submitted as a complete response to the Office Action identified above. The applicant respectfully submits that the rejections of record should be withdrawn and the present application passed to issue.

Respectfully submitted,

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